## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:11-cr-00190-MOC-DSC

UNITED STATES OF AMERICA,	)	
	)	
	)	
	)	
Vs.	)	ORDER
	)	
KIMBERLY MORRIS,	)	
	)	
Defendant.	)	

THIS MATTER is before the court on defendant's pro se letter dated June 18, 2013, which the court earlier interpreted to be a potential post-judgment Motion to Vacate, Alter or Amend Judgment. In accordance with Castro v. United States, 540 U.S. 375 (2003), defendant was advised that the court intended to re-characterize this motion as an attempt to file a motion under Section 2255. In her timely responsive Letter (#169), defendant states that she now wishes to withdraw her original letter and "dismiss the notion of filing a Rule 35(b), as well as recharacterizing the filing pursuant to Section 2255." Id. at 1. The court determines that this is a Rule 41(a) voluntary dismissal of her motion and any potential Section 2255 claim without prejudice.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that based upon defendant's voluntary dismissal without prejudice, defendant's pro se letter dated June 18, 2013, is **WITHDRAWN**, and the converted motion to vacate (#165) is **TERMINATED** without prejudice.

Signed: July 22, 2013

Max O. Cogburn Jr. United States District Judge